

## **GENERAL PERMIT FOR MINOR WETLANDS ALTERATIONS**

This general permit authorizes alteration of up to one acre of isolated wetlands. Alterations are addressed in two size categories. Under the stated terms and conditions, up to one fourth acre of qualifying wetlands may be altered without compensatory mitigation and up to one acre of qualifying wetlands may be altered with approved compensatory mitigation. Isolated wetlands are wetlands that are either not hydrologically connected to other waters of the state or are connected only by wet weather conveyance.

- 1) Fill or other alteration of up to one-fourth acre of isolated wetlands is allowed by this general permit without compensatory mitigation, provided the activity is done in accordance with the applicable terms and conditions of this general permit.
- 2) Fill or alteration of up to one acre of isolated wetlands is authorized by this general permit provided the activity is done in accordance with the applicable terms and conditions, and provided a plan for compensatory mitigation to offset unavoidable adverse wetlands impacts is submitted by the applicant, approved by the Division and implemented as approved.

### **Exclusions**

This general permit cannot be used to authorize work in the following circumstances:

- (a) where a portion of the activity is located in waters which have been identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;
- (b) when the project will adversely affect a species formally listed on State or Federal lists of threatened, or endangered species;
- (c) when the wetland represents a high quality ecological resource as compared to others within the ecoregion;
- (d) when all available and practicable measures have not been employed to avoid and minimize adverse impacts on wetlands and other waters of the state; and
- (e) when an individual permit is required.

Projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

### **Notification**

Persons proposing to alter wetlands with authorization by this general permit shall notify the Division by submission of an application, which includes, at a minimum, the following information:

- (a) a map showing the exact location of the proposed activity;
- (b) a description of the wetland to be altered including boundaries, vegetation and hydrologic characteristics; and
- (c) a single copy of construction plans which includes specifications for proposed wetlands alterations and proposed pollution control methods or structures.

Construction shall not commence until the Division issues written notification that the proposal may proceed in accordance with the terms of this general permit, or issues an individual permit.

### **General Terms and Conditions**

- 1) Wetland alterations authorized by this general permit must be part of a single and complete project. This general permit can not be used in an incremental or piecemeal means to alter larger areas of wetlands.
- 2) The alteration shall not adversely affect the functions and classified use support of adjacent wetlands and other waters of the state.
- 3) The excavation and fill activities associated with the wetlands alteration shall be kept to a minimum and all excess material shall be hauled to an upland site and properly stabilized to prevent reentry to waters of the State.

- 4) Clearing, grubbing and other disturbance to areas in or immediately adjacent to waters of the state shall be limited to the minimum necessary to accomplish the proposed activity. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as possible.
- 5) Any material to be discharged into wetlands or other waters of the state shall be free of contaminants including toxic pollutants and hazardous substances.
- 6) Soil materials must be prevented from entering waters of the state. Erosion and sedimentation control measures to protect water quality must be maintained throughout the construction period. Erosion and sedimentation controls shall include, but are not limited to straw or hay bales and/or silt fence, brush barriers, berms, sediment ponds and other proven devices. Hay bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along stream banks in cleared areas to prevent sedimentation to streams. They must be installed on the contour, entrenched and staked, and extend the width of the area to be cleared. Erosion and sedimentation controls must be repaired, if necessary, after rainfall.
- 7) Instream sedimentation control devices are not approved as primary treatment devices. They may be used only as backup or fail-safe protection. Separate erosion and sedimentation controls and sediment treatment devices must be utilized.
- 8) Upon achievement of final grade, all disturbed areas must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.
- 9) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.
- 10) Prior authorization must be obtained when necessary by the applicant pursuant to applicable provisions of §404 of the *Clean Water Act* and §26a of *The Tennessee Valley Authority Act*.
- 11) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical or archeological features or sites is prohibited.

Effective Date                July 1, 2000  
Expiration Date              June 30, 2005

APPROVED: \_\_\_\_\_  
Paul Davis, Director